

LEGISLATURE OF NEBRASKA
ONE HUNDRED SIXTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 826

Introduced by Hilkemann, 4.

Read first time January 08, 2020

Committee: Appropriations

1 A BILL FOR AN ACT relating to gambling; to amend section 9-1,101, Revised
2 Statutes Supplement, 2019; to provide for and eliminate transfers
3 from the Charitable Gaming Operations Fund; and to repeal the
4 original section.

5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 9-1,101, Revised Statutes Supplement, 2019, is
2 amended to read:

3 9-1,101 (1) The Nebraska Bingo Act, the Nebraska County and City
4 Lottery Act, the Nebraska Lottery and Raffle Act, the Nebraska Pickle
5 Card Lottery Act, the Nebraska Small Lottery and Raffle Act, and section
6 9-701 shall be administered and enforced by the Charitable Gaming
7 Division of the Department of Revenue, which division is hereby created.
8 The Department of Revenue shall make annual reports to the Governor,
9 Legislature, Auditor of Public Accounts, and Attorney General on all tax
10 revenue received, expenses incurred, and other activities relating to the
11 administration and enforcement of such acts. The report submitted to the
12 Legislature shall be submitted electronically.

13 (2) The Charitable Gaming Operations Fund is hereby created. Any
14 money in the fund available for investment shall be invested by the state
15 investment officer pursuant to the Nebraska Capital Expansion Act and the
16 Nebraska State Funds Investment Act.

17 (3)(a) Forty percent of the taxes collected pursuant to sections
18 9-239, 9-344, 9-429, and 9-648 shall be available to the Charitable
19 Gaming Division for administering and enforcing the acts listed in
20 subsection (1) of this section and providing administrative support for
21 the Nebraska Commission on Problem Gambling. The remaining sixty percent
22 shall be transferred to the General Fund. Any portion of the forty
23 percent not used by the division in the administration and enforcement of
24 such acts and section shall be distributed as provided in this
25 subsection.

26 (b) Beginning July 1, 2019, through June 30, 2021, on or before the
27 last day of the last month of each calendar quarter, the State Treasurer
28 shall transfer one hundred thousand dollars from the Charitable Gaming
29 Operations Fund to the Compulsive Gamblers Assistance Fund. ~~Beginning~~
30 ~~July 1, 2021, on or before November 1 each year, the State Treasurer~~
31 ~~shall transfer one hundred thousand dollars from the Charitable Gaming~~

1 ~~Operations Fund to the Compulsive Gamblers Assistance Fund, except that~~
2 ~~no transfer shall occur if the Charitable Gaming Operations Fund contains~~
3 ~~less than one hundred thousand dollars.~~

4 (c) Any money remaining in the Charitable Gaming Operations Fund
5 after the transfer pursuant to subdivision (b) of this subsection not
6 used by the Charitable Gaming Division in its administration and
7 enforcement duties pursuant to this section may be transferred to the
8 General Fund and the Compulsive Gamblers Assistance Fund at the direction
9 of the Legislature.

10 (4) The Tax Commissioner shall employ investigators who shall be
11 vested with the authority and power of a law enforcement officer to carry
12 out the laws of this state administered by the Tax Commissioner or the
13 Department of Revenue and to enforce sections 28-1101 to 28-1117 relating
14 to possession of a gambling device. For purposes of enforcing sections
15 28-1101 to 28-1117, the authority of the investigators shall be limited
16 to investigating possession of a gambling device, notifying local law
17 enforcement authorities, and reporting suspected violations to the county
18 attorney for prosecution.

19 (5) The Charitable Gaming Division may charge a fee for publications
20 and listings it produces. The fee shall not exceed the cost of
21 publication and distribution of such items. The division may also charge
22 a fee for making a copy of any record in its possession equal to the
23 actual cost per page. The division shall remit the fees to the State
24 Treasurer for credit to the Charitable Gaming Operations Fund.

25 (6) For administrative purposes only, the Nebraska Commission on
26 Problem Gambling shall be located within the Charitable Gaming Division.
27 The division shall provide office space, furniture, equipment, and
28 stationery and other necessary supplies for the commission. Commission
29 staff shall be appointed, supervised, and terminated by the director of
30 the Gamblers Assistance Program pursuant to section 9-1004.

31 Sec. 2. Original section 9-1,101, Revised Statutes Supplement,

1 2019, is repealed.